

## **Assembly Bill No. 2784**

### **CHAPTER 326**

An act to add Section 25141.2 to, and to add and repeal Section 25157.8 of, the Health and Safety Code, to amend Section 6217 of, and to add Section 6217.2 to the Public Resources Code, to amend Section 5107 of the Vehicle Code, and to add Section 12585.7 to the Water Code, relating to natural resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 21, 1998. Filed with  
Secretary of State August 21, 1998.]

On this date I am signing Assembly Bill No. 2784 with a deletion.

This bill would serve as the legislative vehicle for a number of statutory changes related to the implementation of the 1998 Budget Act for various environmental and natural resource programs. Among other things, this bill would establish guidance for the Department of Toxic Substance Control regarding proposed changes to the criteria and guidelines for identification of hazardous waste and management standards, including appropriating \$617,000 from the Hazardous Waste Control Account to the Department for the initiative known as the Regulatory Structure Update (RSU).

Although I am signing AB 2784, I am deleting Section 17 in its entirety. The appropriation is linked to unnecessarily restrictive language that is currently the subject of litigation. Furthermore, the Department informs me that the RSU project is complete, thus the appropriation contained in this Section is unnecessary.

PETE WILSON, Governor

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 2784, Strom-Martin. Natural resources.

(1) Existing law provides for the regulation of hazardous waste under the hazardous waste control laws by the Department of Toxic Substances Control and specified local agencies. Existing law requires the department to develop and adopt, by regulation, criteria and guidelines for the identification of hazardous waste. Under existing law, the department is authorized to exempt, until January 1, 2002, by regulation, a hazardous waste management activity from requirements of the hazardous waste control laws, subject to specified conditions. The department is required to prepare a specified evaluation of the activity and make a specified demonstration when adopting such a regulation to exempt a hazardous waste management activity.

Existing law requires the California Environmental Protection Agency, or a board, department, or office within the agency, to enter into an agreement with the National Academy of Sciences, the University of California, the California State University, or any similar institution of higher learning, or any combination of those entities, or with a scientist or group of scientists of comparable stature

and qualifications that is recommended by the President of the University of California, to conduct an external scientific peer review of the scientific basis for any rule proposed by any board, department, or office within the agency.

Under existing law, a violation of the hazardous waste control laws, including a regulation adopted pursuant to those provisions, is a crime.

This bill would prohibit the department from publishing a notice of a proposal to adopt, amend, or repeal regulations pertaining to the criteria and guidelines for the identification of hazardous waste or the management standards for special wastes until the findings of that scientific peer review entity have been issued and the department has reviewed those findings. The bill would also prohibit the department from publishing any notice of a proposal to adopt such a regulation before January 1, 1999. The bill would require the regulations that would exempt a hazardous waste management activity from the hazardous waste control laws to be submitted for public comment on a specified date.

The bill would require the department to take specified actions before adopting the final version of regulations specifying criteria and guidelines for the identification of hazardous waste. The bill would authorize the department to utilize the CalTox model and the criteria and guidelines for the identification of hazardous waste to generate new values for soluble constituents. The bill would prohibit the department from amending or repealing the regulations adopted pursuant to the hazardous waste control laws with respect to the testing for solubility of regulatory thresholds until the scientific peer review entity makes specified findings. The bill would prohibit the department, in establishing total threshold limit concentrations in the regulations for the identification of hazardous waste, from basing the limit concentration on specified assumptions unless the scientific peer review entity makes specified findings.

The bill would prohibit any person, on and after January 1, 1999, from disposing of waste that contains specified concentrations of lead, copper, or nickel to land other than a Class I hazardous waste disposal facility, except as specified, until the appropriate California regional water quality control board amends the solid waste facility's waste discharge requirements and the appropriate local enforcement agency revises the solid waste facility's permit. With specified exceptions, the bill would also prohibit any person from disposing certain materials to land in any facility, other than a Class I hazardous waste disposal facility, if the material is regulated as a hazardous waste, until the department issues a variance, the appropriate California regional water quality control board amends the solid waste facility's waste discharge requirements, and the appropriate local enforcement agency revises the solid waste facility's permit. The bill would repeal those prohibitions on July 1,



2003. Since a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

(2) The bill would appropriate \$617,000 from the Hazardous Waste Control Account in the General Fund to the department to implement, during the 1998–99 fiscal year, the Regulatory Structure Update project. The bill would make findings and declarations that final action, as specified, was taken in the Budget Act of 1998 to deny these funds to the department to carry out this initiative, and that this action is rescinded only if the department fully complies with the bill.

(3) Under existing law, with specified exceptions, revenue, money, and remittances received by the State Lands Commission are required to be applied to specified obligations in a prescribed order, including specified amounts to the Resources Trust Fund. Existing law establishes the Salmon and Steelhead Trout Restoration Account and the Natural Resources Infrastructure Fund within the Resources Trust Fund and provides for allocation of trust fund money between the account and the infrastructure fund, as prescribed. Existing law provides for these provisions to become inoperative on July 1, 2003, and to be repealed January 1, 2004.

This bill would additionally create the Marine Life and Marine Reserve Management Account within the trust fund and would allocate \$2,200,000 from the trust fund to the management account for expenditure by the Department of Fish and Game, upon appropriation, for marine life management, as provided. The bill would also create the State Parks System Deferred Maintenance Account within the trust fund and would allocate \$10,000,000 from the trust fund for expenditure by the Department of Parks and Recreation, upon appropriation, for deferred maintenance expenses. The bill would extend the inoperative date of these provisions to July 1, 2006, and the repeal date to January 1, 2007.

Existing law provides that as of July 1, 2003, with specified exceptions, all revenue money, and remittances received by the State Lands Commission are to be deposited in the General Fund.

This bill would change that date to July 1, 2006.

(4) Under existing law, fees for environmental license plates are required to be deposited in the Environmental License Plate Fund. Under former law, operative only until January 1, 1995, not more than 50¢ of the amount collected from each applicant for environmental license plates was required to be set aside for use, upon appropriation by the Legislature, by the Resources Agency for the purpose of increasing public awareness of the environmental license plate program through the mass media.

This bill would reenact that requirement of former law regarding the use of not more than 50¢ of the amount collected for environmental license plates as to money collected on and after January 1, 1999, except it would allow the money set aside to be used

by the appropriate agency, rather than by the Resources Agency, and would delete the reference to the mass media.

(5) Existing law authorizes various flood control projects.

This bill would annually appropriate \$44,000,000 for each of the 1999–2000, 2000–2001, and 2001–2002 fiscal years for allocation by the Department of Water Resources for projects in specified counties in accordance with specified provisions of law.

This bill would also provide, except as specified, that in order to be eligible for any state funds, a flood control project, as defined, shall be authorized by the Legislature before it is authorized by Congress.

(6) Under the California Wildlife, Coastal, and Park Land Conservation Act, if certain of the proceeds derived from bonds issued under that act are not expended prior to July 1, 1998, the agency to which the funds were originally allocated is required to submit to the Legislature a plan for the expenditure of the funds in accordance with the purposes of the bond act within a county in which the funds were originally authorized to be expended, and the Legislature may approve the plan by statute, passed in each house by a  $\frac{2}{3}$  vote.

This bill, pursuant to those provisions, would adopt a specified plan of expenditure submitted by the Department of Parks and Recreation to the Legislature for the expenditure of those unexpended funds, specified plans of expenditure for certain funds allocated to the State Coastal Conservancy, and specified plans of expenditure for certain funds allocated to the Department of Fish and Game by this act. The bill would make these funds available for expenditure without regard to fiscal years.

(7) Prior Budget Acts have authorized the expenditure of funds for the operation and support of the California Conservation Corps and the Department of Parks and Recreation.

This bill would authorize the corps and the department to take specified actions, until June 30, 1999, that are necessary to implement provisions of the Budget Act of 1998 relative to the operation and support of those agencies.

(8) Existing law recognizes the existence of a certain loan agreement between the Department of Boating and Waterways and the County of Sonoma relating to the Spud Point Marina.

This bill would require the department to contract for the development of a business plan for the operation of the Spud Point Marina, as specified. The bill would authorize the department, with the consent of the Boating and Waterways Commission, and contingent upon the county's implementation of the recommendations contained in the final business plan, to renegotiate or forgive any or all portions of the outstanding debt owed by the county to the department under the existing loan agreement. The bill would require the department to suspend collection of all loan and

interest payments and penalties under the existing loan agreement for a maximum of 3 years.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(10) The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 25141.2 is added to the Health and Safety Code, to read:

25141.2. (a) (1) Except as provided in paragraph (2), the department shall not publish a notice of a proposal to adopt, amend, or repeal regulations pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) pertaining to the criteria and guidelines for the identification of hazardous waste or to management standards for special wastes until the findings of the external scientific peer review entity convened pursuant to Section 57004 have been issued and the department has reviewed those findings.

(2) Notwithstanding any other provision of law, the department shall not publish a notice of a proposal to adopt, amend, or repeal the regulations specified in paragraph (1) before January 1, 1999.

(b) With respect to the regulations specified in subdivision (a), the department shall submit for public comment its analysis of any hazardous waste management activity to be exempted from this chapter pursuant to subdivision (b) of Section 25150.6 and its demonstration that the exemption satisfies the requirements of subdivision (c) of Section 25150.6 on the earlier of the following dates:

(1) The date that the department issues its draft environmental impact report on the proposed regulations.

(2) The date the department publishes its notice of proposed regulatory action pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(c) Subdivision (b) does not prohibit the department from revising its analysis or demonstration to respond to public comments before the adoption of the regulations.

(d) The department shall, prior to adopting the final version of any regulations specifying the criteria and guidelines for the

identification of hazardous waste pursuant to Section 25141 and submitting the adopted regulations to the Office of Administrative Law, do all of the following:

(1) Determine which aspects of the final version of the regulations have been changed subsequent to an external scientific peer review of the scientific basis and scientific portions of the regulations as initially proposed and identify the scientific basis and empirical data or other scientific findings, conclusions, and assumptions upon which the changes are premised.

(2) Submit each change identified pursuant to paragraph (1), together with all supporting scientific material, to external scientific peer review pursuant to paragraph (1) of subdivision (d) of Section 57004 if both of the following apply:

(A) The change is related to establishing a regulatory level, standard, or other requirement for the protection of public health, safety, or the environment.

(B) The change is not directly related to, and is not a response to, the findings of the external scientific peer review of the regulations as initially proposed.

(3) Comply with the requirements of paragraph (2) of subdivision (d) of Section 57004.

(e) (1) The department may utilize the CalTox model and the criteria and guidelines for the identification of hazardous waste, if the criteria and guidelines have been adopted pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), to generate new values for soluble constituents.

(2) Notwithstanding paragraph (1), the department shall not amend or repeal the regulations adopted pursuant to this chapter that are in effect on the effective date of the act adding this section during the 1997–98 Regular Session, with respect to the testing procedure employed to measure solubility or with respect to the regulatory thresholds measured by that testing procedure until an external scientific peer review entity convened pursuant to Section 57004 makes the following finding:

(A) The new proposed testing procedure for solubility is based on sound scientific knowledge, methods, and practices and will predict, with a reasonable degree of accuracy, the long-term mobility in landfill leachate of each hazardous constituent for which the department has established by regulation a soluble threshold limit concentration.

(B) For those hazardous constituents whose long-term mobility in landfill leachate cannot be accurately measured by any testing procedure that can be developed within a reasonable period of time, the soluble threshold limit concentration can be adjusted in a

scientifically sound manner to compensate for the extent of inaccuracy of the testing procedure for that constituent.

(3) In establishing revised total threshold limit concentrations in any proposed regulations pertaining to the criteria and guidelines for the identification of hazardous waste pursuant to Section 25141, the department shall not base the total threshold limit concentration for any hazardous constituent in whole, or in part, on an assumption that when wastes are placed on or in the land outside of a permitted disposal facility, those wastes will be mixed or diluted, unless an external scientific peer review entity convened pursuant to Section 57004 finds that the department has demonstrated, in a sound scientific manner, that the assumption that dilution or mixing will occur when the wastes are applied or disposed to land is a reasonable representation of waste management practices in the state, while taking into account reasonably foreseeable mismanagement of wastes, and that these application or disposal practices do not pose significant public health or environmental risks.

SEC. 2. Section 25157.8 is added to the Health and Safety Code, to read:

25157.8. (a) On and after January 1, 1999, no person shall dispose waste that contains total lead in excess of 350 parts per million, copper in excess of 2500 parts per million, or nickel in excess of 2000 parts per million to land other than a Class I hazardous waste disposal facility, unless the waste is disposed at the site of generation pursuant to express approval of the regional water quality control board granted prior to the operative date of the act that added this section during the 1997–98 Regular Session and the waste was classified as nonhazardous at that time, until both of the following occur:

(1) The appropriate California regional water quality control board has amended the solid waste facility's waste discharge requirements to specifically allow disposal of the waste.

(2) The appropriate local enforcement agency has revised the solid waste facility permit of the facility to specifically allow this disposal pursuant to Chapter 3 (commencing with Section 44001) of Part 4 of Division 30 of the Public Resources Code.

(b) (1) Except as provided in paragraph (2), no person shall dispose any material to land at other than a Class I hazardous waste disposal facility, if the material is regulated as a hazardous waste by the department, until all of the following have occurred:

(A) The department has issued a variance pursuant to Section 25143 to specifically allow disposal of the material to a disposal facility other than a Class I hazardous waste disposal facility.

(B) The appropriate California regional water quality control board has amended the solid waste facility's waste discharge requirements to specifically allow disposal of the material.

(C) The appropriate local enforcement agency has revised the solid waste facility permit of the facility at which the material is



proposed to be disposed to specifically allow this disposal pursuant to Chapter 3 (commencing with Section 44001) of Part 4 of Division 30 of the Public Resources Code.

(2) This subdivision does not apply to either of the following:

(A) Wastes that are disposed of pursuant to a variance issued by the department prior to the operative date of the act adding this section.

(B) Wastes that are disposed of pursuant to a variance issued by the department and that the department classified and managed as a “special waste” pursuant to regulations adopted by the department that were in effect on the operative date of the act adding this section.

(c) This section shall remain in effect until July 1, 2003, and as of that date is repealed unless a later enacted statute repeals or extends that date.

SEC. 3. Section 6217 of the Public Resources Code, as added by Section 2 of Chapter 293 of the Statutes of 1997, is amended to read:

6217. With the exception of revenue derived from state school lands and from sources described in Sections 6217.6, 6301.5, 6301.6, 6855, and Sections 8551 to 8558, inclusive, and Section 6406 (insofar as the proceeds are from property that has been distributed or escheated to the state in connection with unclaimed estates of deceased persons), the commission shall deposit in the State Treasury all revenue, money, and remittances received by the commission under this division, and under Chapter 138 of the Statutes of 1964, First Extraordinary Session, and those funds shall be applied to the following obligations in the following order of priority:

(a) To the General Fund, the revenue necessary to provide in any fiscal year for the following:

(1) Payment of refunds, authorized by the commission, out of appropriations made for that purpose by the Legislature.

(2) Payment of expenditures of the commission as provided in the annual Budget Act enacted by the Legislature.

(3) Payments to cities and counties of the amounts specified in Section 6817 for the purposes specified in that section, and the revenues so deposited are appropriated for that purpose.

(4) Payments to cities and counties of the amounts agreed to pursuant to Section 6875.

(b) To the California Housing Trust Fund, each fiscal year, the amount of two million dollars (\$2,000,000).

(c) After meeting the obligations in subdivisions (a) and (b), the Controller shall transfer the balance of all such revenue, money, and remittances received by the commission pursuant to this section in each fiscal year to the Resources Trust Fund.

The money in the Resources Trust Fund shall be collected for the purposes of, and held in trust for, preserving and protecting the natural and recreational resources of the state and, for this purpose, the Controller shall annually transfer the following sums from the



Resources Trust Fund to the following accounts and funds in the following order of priority:

(1) Eight million dollars (\$8,000,000) to the Salmon and Steelhead Trout Restoration Account in the Resources Trust Fund. The money in the account shall be appropriated in the annual Budget Act to the Department of Fish and Game for expenditure for the recovery of coho salmon, other species of salmon, and anadromous trout pursuant to Section 6217.1 of this code and Chapter 8 (commencing with Section 2760) of Division 3 of the Fish and Game Code.

(2) Two million two hundred thousand dollars (\$2,200,000) to the Marine Life and Marine Reserve Management Account, which is hereby created in the Resources Trust Fund. The money in the account shall be appropriated in the annual Budget Act to the Department of Fish and Game for expenditure for marine life management pursuant to Section 6217.2.

(3) Ten million dollars (\$10,000,000) to the State Parks System Deferred Maintenance Account, which is hereby created in the Resources Trust Fund. The money in the account shall be appropriated in the annual Budget Act to the Department of Parks and Recreation for deferred maintenance expenses.

(4) The remainder to the Natural Resources Infrastructure Fund which is an account in the Resources Trust Fund. The money in the Natural Resources Infrastructure Fund shall be available for expenditure, upon appropriation by the Legislature, for the purposes of preserving and protecting the natural and recreational resources of the state. Priority for the use of the money in the Natural Resources Infrastructure Fund shall be given to the following:

(A) For expenditure by the Department of Fish and Game, upon appropriation by the Legislature, for environmental review and monitoring, consultation with lead agencies, recommending mitigation measures, and enforcement related activities pursuant to Division 13 (commencing with Section 21000).

(B) For expenditure, upon appropriation by the Legislature, for the purposes of land acquisition in Orange County and San Diego County pursuant to Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code.

(C) For expenditure to meet the requirements of Section 2796 of the Fish and Game Code that are not met pursuant to Section 2795 of the Fish and Game Code, upon appropriation by the Legislature.

(D) For expenditure for nonpoint source pollution control programs of the State Water Resources Control Board and the California Coastal Commission, upon appropriation by the Legislature.

The Controller shall transfer any unencumbered balances remaining in the Salmon and Steelhead Trout Restoration Account, the Marine Life and Marine Reserve Management Account, the State

Parks Deferred Maintenance Account, and the Natural Resources Infrastructure Fund on June 30 of each year to the General Fund.

This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. Section 6217 of the Public Resources Code, as added by Section 3 of Chapter 293 of the Statutes of 1997, is amended to read:

6217. (a) With the exception of revenue derived from state school lands and from sources described in Sections 6217.6, 6301.5, 6301.6, 6855, and Sections 8551 to 8558, inclusive, and Section 6404 (insofar as the proceeds are from property that has been distributed or escheated to the state in connection with unclaimed estates of deceased persons), the commission shall deposit all revenue, money, and remittances received by the commission under this division, and under Chapter 138 of the Statutes of 1964, First Extraordinary Session, in the General Fund.

(b) This section shall become operative on July 1, 2006.

SEC. 5. Section 6217.2 is added to the Public Resources Code, to read:

6217.2. Moneys in the Marine Life and Marine Reserve Management Account created in the Resources Trust Fund pursuant to paragraph (2) of subdivision (c) of Section 6217, shall be expended by the Department of Fish and Game for the following purposes:

(a) To develop and implement fishery management plans.

(b) To fund research on marine life and marine fisheries.

(c) To fund peer reviews of research plans and fishery management plans.

(d) To fund the evaluation, coordination, and management of marine reserves and other marine managed areas.

SEC. 6. Section 5107 of the Vehicle Code is amended to read:

5107. (a) All revenue derived from the fees provided for in this article shall be deposited in the California Environmental License Plate Fund.

(b) Not more than fifty cents (\$0.50) of the amount collected from each applicant pursuant to Section 5106 on and after January 1, 1999, shall be set aside for use, upon appropriation by the Legislature, by the appropriate agency for the purpose of increasing public awareness of the environmental license plate program.

SEC. 7. Section 12585.7 is added to the Water Code, to read:

12585.7. Notwithstanding any other provision of law, in order to be eligible for any state funds, a flood control project shall be authorized by the Legislature before it is authorized by Congress. For purposes of this section, a "flood control project" means a project for which there is a U.S. Army Corps of Engineers, Chief of Engineers report with a recommendation to build the project. This section does not apply to any of the following projects:

(a) Any project for which the Reclamation Board provides the assurances of cooperation to the United States as the nonfederal sponsor of the project.

(b) Any small flood control project under Section 12750.

(c) Any watershed protection and flood prevention project under Chapter 4 (commencing with Section 12850).

(d) Projects authorized by Congress on or before December 31, 1998.

SEC. 8. (a) There is hereby annually appropriated forty-four million dollars (\$44,000,000) for each of the following fiscal years from the General Fund to the Department of Water Resources: 1999–2000, 2000–2001, and 2001–2002. The funds appropriated by this subdivision shall be annually allocated by the department for each of those fiscal years on a pro rata basis to pay for the state’s share of the nonfederal costs of flood control projects that have been adopted and authorized in accordance with one or more of the following provisions of law:

(1) State Water Resources Law of 1945 (Ch. 1 (commencing with Sec. 12570) and Ch. 2 (commencing with Sec. 12639), Pt. 6, Div. 6, Wat. C.).

(2) Flood Control Law of 1946 (Ch. 3 (commencing with Sec. 12800), Pt. 6, Div. 6, Wat. C.).

(3) California Watershed Protection and Flood Prevention Law (Ch. 4 (commencing with Sec. 12850), Pt. 6, Div. 6, Wat. C.).

(b) The funds described in subdivision (a) shall be used to pay for costs for which valid written claims that have been submitted to the department as of June 17, 1998, and for estimated claims in fiscal year 1998–99, as determined by the department as of June 17, 1998. The funds shall be allocated on a pro rata basis to projects in the counties of Contra Costa, Fresno, Kern, Los Angeles, Marin, Napa, Orange, Riverside, San Bernardino, San Diego, Santa Clara, Sonoma, and Ventura.

SEC. 9. In accordance with Section 5922 of the Public Resources Code, any funds allocated to the Department of Parks and Recreation for expenditure for the purposes set forth in paragraphs (1) and (3) of subdivision (b), except for subparagraph (A) of paragraph (1) of subdivision (b), of Section 5907 of the Public Resources Code and not expended prior to July 1, 1998, shall be expended in accordance with the revised plan of expenditure submitted by the department to the Legislature as part of the materials supporting the 1998–99 Governor’s Budget. This plan constitutes the department’s plan for expenditure of the unexpended balance and is hereby approved by the Legislature in accordance with Section 5922 of the Public Resources Code. These funds are available for expenditure without regard to fiscal years.

SEC. 10. In accordance with Section 5922 of the Public Resources Code, any funds allocated to the State Coastal Conservancy for expenditure for the purposes set forth in paragraphs (2), (3), (4), (5),

and (6) of subdivision (d) of Section 5907 of the Public Resources Code and not expended prior to July 1, 1998, shall be expended in accordance with the plan of expenditure submitted by the conservancy to the Legislature as part of the materials supporting the 1998–99 Governor’s Budget. This plan constitutes the conservancy’s plan for expenditure of the unexpended balance and is hereby approved by the Legislature in accordance with Section 5922 of the Public Resources Code. These funds are available for expenditure without regard to fiscal years.

SEC. 11. In accordance with Section 5922 of the Public Resources Code, any funds allocated to the Department of Fish and Game for expenditure for the purposes set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 5907 of the Public Resources Code and not expended prior to July 1, 1998, shall be expended in accordance with the plan of expenditure submitted by the department to the Legislature as part of the materials supporting the 1998–99 Governor’s Budget. This plan constitutes the department’s plan for expenditure of the unexpended balance and is hereby adopted by the Legislature in accordance with the requirements of Section 5922 of the Public Resources Code. These funds shall be available for expenditure only upon appropriation by the Legislature.

SEC. 12. (a) In accordance with Section 5922 of the Public Resources Code, the plan for expenditure of any funds allocated to the Department of Fish and Game for expenditure for the purposes set forth in subparagraph (B) of paragraph (1) of subdivision (e) of Section 5907 of the Public Resources Code shall be to acquire approximately 220 acre-feet of water rights in perpetuity at Heenan Lake, Alpine County, for propagation and perpetuation of wild trout. These funds shall be available for expenditure only upon appropriation by the Legislature.

(b) The plan described in subdivision (a) constitutes the Department of Fish and Game’s plan for expenditure of the unexpended balance and is hereby adopted by the Legislature in accordance with the requirements of Section 5922 of the Public Resources Code. If the unexpended funds are not encumbered in their entirety within the time permitted by law, the department shall submit to the Legislature, for inclusion in an annual Budget Act, a proposal for the appropriation of the unexpended balance for any purpose consistent with subparagraph (B) of paragraph (1) of subdivision (e) of Section 5907 of the Public Resources Code, which proposal, upon enactment of the particular Budget Act, shall constitute the required plan.

SEC. 13. (a) Notwithstanding Section 11032 of the Government Code, the California Conservation Corps may authorize its officers and employees to travel outside the state without approval by any



other agency, and the funds appropriated to the corps by the Budget Act of 1998 may be used for this purpose.

(b) Notwithstanding subdivisions (b), (c), and (d) of Section 31.00 of the Budget Act of 1998, the California Conservation Corps may authorize new positions, reclassifications, transfers to blanket authorizations, and the establishment of a blanket authorization without prior notification to the Department of Finance or the Legislature, and the funds appropriated to the corps by the Budget Act of 1998 may be used for this purpose. The California Conservation Corps shall report to the Department of Finance and the Legislature on a quarterly basis regarding actions taken pursuant to this authority.

(c) Notwithstanding Sections 8647, 11005, and 11005.1 of the Government Code, the California Conservation Corps may accept gifts and donations of personal property without approval by the Director of Finance. The California Conservation Corps shall bear any costs associated with the acceptance of those gifts and donations, and the funds appropriated to the corps by the Budget Act of 1998 may be used for this purpose.

(d) Notwithstanding Section 19080.3 of the Government Code, the California Conservation Corps may make limited-term appointments, not exceeding a period of four years for any appointment, without the review or approval of the State Personnel Board, and the funds appropriated to the corps by the Budget Act of 1998 may be used for this purpose.

(e) Notwithstanding Section 2807 of the Penal Code, the California Conservation Corps may procure corpsmember-related goods and services from the private sector, and the funds appropriated to the corps by the Budget Act of 1998 may be used for this purpose. Notwithstanding this grant of authority, the California Conservation Corps shall contract with the Prison Industry Authority for this purpose if the latter is able to meet the cost, quality, and time requirements established by the California Conservation Corps for the goods or services.

(f) Notwithstanding Sections 13332.06 and 14669 of, and Chapter 6 (commencing with Section 14825) and Chapter 6.5 (commencing with Section 14835) of Part 5.5 of Division 3 of Title 2 of, the Government Code, and Chapter 1 (commencing with Section 10100), Chapter 2 (commencing with Section 10290), and Chapter 3 (commencing with Section 12100) of Part 2 of Division 2 of the Public Contract Code, the California Conservation Corps may execute contracts, procure all goods and services, including any fleet needs within 60 days or less, and negotiate all lease agreements for office, warehouse, and other appropriate facilities without review or approval by the Department of General Services and pursuant to methods and procedures other than those set forth in the State Administrative Manual, and funds appropriated to the corps by the

Budget Act of 1998 may be used for this purpose. The authority with regard to lease agreements set forth in this provision does not alter the authority or responsibilities of the Department of General Services concerning the consolidation of offices in the Sacramento Metropolitan Area or the consolidation plans for other metropolitan areas.

(g) Notwithstanding Sections 14931 and 14931.1 of, or Part 6.5 (commencing with Section 15250) of Division 3 of Title 2 of, the Government Code, the California Conservation Corps may purchase electronic data processing and telecommunications goods and services, not exceeding one million dollars (\$1,000,000) for any one procurement, without the requirement of review or approval by the Department of General Services and pursuant to methods and procedures other than those set forth in the State Administrative Manual, and the funds appropriated to the corps by the Budget Act of 1998 may be used for this purpose. The California Conservation Corps shall continue to use the Department of General Services CALNET, except that if the department is unable to provide the information and maintenance required for the California Conservation Corps' statewide data base network on a cost-competitive and timely basis, the California Conservation Corps shall be exempt from any restrictions relating to CALNET that are imposed by the Office of Telecommunications of the Department of General Services.

(h) Notwithstanding any other provision of law, the Director of the California Conservation Corps may prepay vendors for noncapital outlay expenditures if it is cost-beneficial to the corps. In the event that the California Conservation Corps incurs any losses due to the prepayment of vendors, the corps shall report those losses to the Joint Legislative Budget Committee, to the appropriate fiscal committees of the Legislature, and to the Department of Finance.

(i) Notwithstanding subdivision (a) of Section 948 and Section 965 of the Government Code, the Director of the California Conservation Corps, or the director's designee, in lieu of the Director of Finance, may certify funds for payment of all legal settlements, State Board of Control claims, judgments, and tort claims for which the California Conservation Corps already has sufficient expenditure authority and funds without the need for an augmentation.

(j) Notwithstanding any other provision of law, the Director of the California Conservation Corps, or the director's designee, in lieu of the Director of Finance, is authorized to approve Budget Revision, Standard Form 26.

(k) Notwithstanding Section 12439 of the Government Code, the California Conservation Corps is exempt from the provisions that abolish, effective July 1, any positions that were vacant continuously during the period between October 1 and June 30 of the preceding year.

SEC. 14. (a) Notwithstanding any other provision of law, the Department of Parks and Recreation may do either of the following:

(1) Exercise the same authority granted to the Division of the State Architect and the Office of Real Estate and Design Services in the Department of General Services to acquire, plan, design, construct, and administer contracts and professional services.

(2) Permit the Prison Industry Authority to participate as a competitive bidder, rather than as the sole source with regard to contracts and services.

(b) Notwithstanding any other provision of law, the Director of Parks and Recreation, or the director's designee, in lieu of the Director of Finance, may carry out subdivisions (b), (c), and (d) of Section 31.00 of the Budget Act of 1998.

(c) Notwithstanding subdivision (a) of Section 948 and Section 965 of the Government Code, the Director of Parks and Recreation, or the director's designee, in lieu of the Director of Finance, may certify funds for payment of all legal settlements, Board of Control claims, judgments, and tort claims for which the Department of Parks and Recreation already has sufficient expenditure authority and funds without the need for an augmentation.

(d) Notwithstanding Section 11032 of the Government Code, the Director of Parks and Recreation, or the director's designee, may authorize its officers and employees to travel outside the state or country without approval by any other agency, and the funds appropriated to the Department of Parks and Recreation by the Budget Act of 1998 may be used for this purpose.

(e) (1) Notwithstanding Section 8647, 11005, and 11005.1 of the Government Code, the Department of Parks and Recreation may accept gifts and donations of personal and real property without approval by the Director of Finance. The Department of Parks and Recreation shall bear any costs associated with the acceptance of those gifts and donations, and the funds appropriated to the department by the Budget Act of 1998 may be used for this purpose. The Department of Parks and Recreation may not certify the value of any gift or donation of real property without its own appraisal. Upon receipt of any gift or donation of real property, the Department of Parks and Recreation shall certify to the Department of Finance, in writing, all of the following:

(A) The gift or donated property will have minimal impact on the department's operation and maintenance costs and the department will absorb the costs within its existing budget.

(B) The gift or donated property is adjacent to an existing park.

(C) The gift or donated property promotes park purposes.

(D) The gift or donated property has no indications or history of environmental hazards or contamination.

(E) There are no lawsuits pending concerning the property and clear title is a condition of the gift or donation acceptance.

(F) The gift or donated property has an estimated value of less than five hundred thousand dollars (\$500,000).

(G) There are no provisions that will restrict the department from the divesting title to the gift or donated property.

(H) There are no structures on the gift or donated property or that any structures on the property will be razed.

(2) If any of the real property gift or donation criteria specified in paragraph (1) are not met, the Department of Parks and Recreation shall submit the real property gift or donation to the Department of Finance for approval. Any gifts and donations that will require future budget change proposals shall be submitted to the Department of Finance for approval.

(f) Notwithstanding Section 12439 of the Government Code, the Department of Parks and Recreation is exempt from the provisions that abolish, effective July 1, any positions that are vacant continuously during the period between October 1 and June 30 of the preceding year.

(g) Notwithstanding any other provision of law, the Director of Parks and Recreation, or the director's designee, in lieu of the Director of Finance, may approve Budget Revision, Standard Form 26.

(h) Notwithstanding Section 16304.1 of the Government Code, the Director of Parks and Recreation, or the director's designee, in lieu of the Director of Finance, may carry out this section as it relates to the reversion of undisturbed balances and payment of unpaid encumbrances.

(i) Notwithstanding any other provision of law, the Director of Parks and Recreation, or the director's designee, in lieu of the Director of Finance, may approve Department of General Services' Form 22's, Form 220's, and the Return of Funds Document, provided that the Department of Parks and Recreation has the following approved project forms for the related phase (Capital Outlay) or activity—DR14D or DPR18 (Capital Outlay) or DPR11 (Support).

(j) Notwithstanding any other provision of law, the Director of Parks and Recreation may prepay vendors for noncapital outlay expenditures if it is cost-beneficial to the Department of Parks and Recreation. In the event the Department of Parks and Recreation incurs any losses due to the prepayment of vendors, the department shall report those losses to the Joint Legislative Budget Committee, to the appropriate fiscal committees of the Legislature, and to the Department of Finance.

SEC. 15. Sections 13 and 14 of this act shall become inoperative on June 30, 1999, and, as of January 1, 2000, are repealed, unless a later enacted statute, that becomes operative on or before January 1, 2000, deletes or extends the dates on which those sections become inoperative and are repealed.



SEC. 16. (a) The Department of Boating and Waterways shall contract for the development of a business plan for the operation of the Spud Point Marina.

(b) The department and the County of Sonoma shall jointly select the contractor to develop the business plan.

(c) The business plan shall include, but not be limited to, a life cycle analysis of the marina improvements to determine replacement and dredging reserves needs, an investigation of alternatives for efficient operation of the marina, including private sector operation, a marketing plan to increase marina use by commercial fishing and recreational vessels, and a definition of the market area shared by the marina.

(d) Contingent upon the County of Sonoma's implementation of the recommendations contained in the final business plan, the department, with the consent of the Boating and Waterways Commission, may renegotiate or forgive any or all portions of the outstanding debt owed by the County of Sonoma to the department.

(e) Notwithstanding the provisions of the existing loan agreement between the department and the County of Sonoma relating to the Spud Point Marina, the department shall suspend collection of all loan and interest payments, penalties, and accrual of further interest and penalties under that loan agreement, for a maximum of three years.

SEC. 17. The amount of six hundred seventeen thousand dollars (\$617,000) is hereby appropriated from the Hazardous Waste Control Account in the General Fund to the Department of Toxic Substances Control for the purposes of implementing, during the 1998–99 fiscal year, the initiative known as the Regulatory Structure Update project described on page EP32 of the Governor's Budget, 1998–99. The Legislature finds and declares that formal action within the meaning of Section 13332.15 of the Government Code was taken in the Budget Act of 1998 to deny funds to the Department of Toxic Substances Control to carry out this initiative. That formal action is rescinded by this act only upon the express condition that the department fully comply with this act, and if the Department of Toxic Substances Control does not fully comply with this act, the formal action taken in the Budget Act of 1998 to deny funding for the initiative known as the Regulatory Structure Update project for the 1998–99 fiscal year shall remain in effect.

SEC. 18. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 19. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make statutory changes necessary to implement the Budget Act of 1998, it is necessary that this act take effect immediately.

